

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 6841 of 2006

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Oral order:

The petitioner, who is working as Driver with the respondents-APSRTC, was issued charge sheet dated 16.03.2006, for failing to making available tickets to a batch of 52 passengers, and was called upon to submit his written explanation thereto within seven days. To declare the said charge sheet as illegal and arbitrary, the petitioner filed the present writ petition.

A perusal of the impugned charge sheet, would disclose that on 16.02.2006, a check was exercised by the Checking Officials on the bus bearing No.AP-10A-7652, being conducted by the petitioner on the route Medaram-GDKN, and they found that the petitioner failed to make available tickets to a batch of 52 passengers, and after recording the statements of the passengers, the Checking Officials issued charge memo to the petitioner enumerating the negligence. The petitioner submitted his explanation thereto. Thereafter, the respondents conducted a preliminary enquiry, and as the negligence alleged against the petitioner was *prima facie* established, the respondents issued the impugned charge sheet, calling upon him to submit his explanation within seven days.

However, the petitioner without submitting his explanation to the charges leveled against him in the charge sheet, has filed the writ petition on 04.04.2006, to declare the same, as illegal and arbitrary, which cannot be entertained, for the reason that it is for the petitioner to disprove the charges leveled against him in the charge sheet by giving proper explanation and placing necessary evidence, and merely based on the averments and assertions made by the petitioner in the affidavit filed in support of the writ petition, it cannot be said that he has not committed any misconduct under the Service Regulations, and on that ground the charge sheet has to be quashed.

The writ petition is misconceived, and it is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 6th April, 2006.

KSR